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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION

UNITED STATES OF AMERICA : DOCKET NO. 2:07 CR 20101
VS. : JUDGE MINALDI
LAWRENCE HUMPHREY : MAGISTRATE JUDGE KAY

MEMORANDUM RULING

The defendant, Lawrence Humphrey, came for sentencing on August 4, 2010. This court sentenced the defendant to 120 months on Count 1, 120 months on Count 2, and 60 months on Count 3. Counts 1 and 2 are to run consecutively to each other, and Count 3 is to run concurrently to all, for a total of 240 months. This sentence is an upward departure from the recommended guidelines, and a variance pursuant to 18 U.S.C. §3553(a).

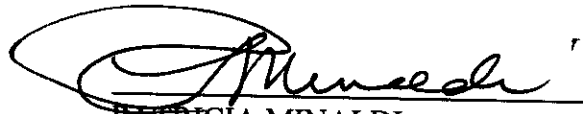
The court granted an upward departure because Humphrey's criminal history category is under-represented in the Presentence Report ("PSR"). The defendant's criminal history score is 6, yet he has been demonstrating criminal behavior since he was twelve (12) years old. This pattern of conduct is alarming as Humphrey had adopted a behavior of using guns and other dangerous weapons on a regular basis. This includes the possession of stolen firearms. The use of firearms has been intertwined with drug use, creating an extremely dangerous combination.

The court granted an upward variance pursuant to §3553(a)(2) because an increased sentence is necessary to reflect the seriousness of the offense, to promote respect for the law, to provide just punishment, to afford deterrence to future criminal conduct and to protect the public from further

crimes by the defendant. Forcefully entering an inhabited residence with a loaded firearm is a serious offense, as is the repeated drug use associated with carrying weapons, a record of resisting arrest, and assault and battery on police officers. These are not an isolated incidents, but a recurring pattern of behavior.

Humphrey's criminal history and his conduct at the sentencing hearing make it apparent that he has no respect for the law. Humphrey continues to minimize the seriousness of his criminal behavior. The court is convinced that Humphrey poses an increasing threat to society. Therefore, an increased term of imprisonment is warranted.

Lake Charles, Louisiana, this 16 day of August, 2010.


PATRICIA MINALDI
UNITED STATES DISTRICT JUDGE